

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN NANCI O/B/O
PENELOPE JACOB,
DECEASED,

Plaintiff,

No. 3:10-cv-06363-HZ

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

ORDER

Defendant.

Plaintiff John Nanci brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits (DIB) to his deceased wife Penelope Jacob. In a December 21, 2011 Opinion & Order, I reversed the Commissioner's decision, concluding that the Administrative Law Judge (ALJ) had improperly rejected an examining psychologist's opinion. I ordered that the case be remanded for additional proceedings. Judgment was entered on December 21, 2011.

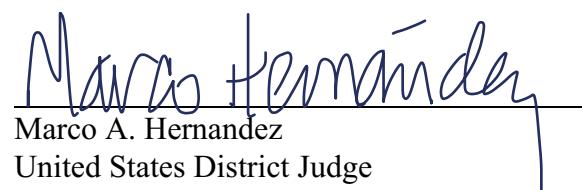
Upon remand, the ALJ held another hearing and issued a decision completely favorable to

Plaintiff. Ex. 7 to Pl.'s Mem. in Supp. Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [#21] and award Plaintiff's counsel \$21,873.50 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$6,482 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney the balance of \$15,391.50, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 21 day of May, 2014


Marco A. Hernandez
United States District Judge